

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P12:19

S E N A T E

RECEIVED BY: 

S. NO. _____

Introduce by Senator Juan M. Flavier

EXPLANATORY NOTE

This bill seeks to convene a constitutional convention to propose amendments to, or revision of, the 1987 Constitution. Its legal basis is found in section 1 of article XVII of the charter, which allows Congress by a vote of two-thirds of its members, to call for one.

A constitutional convention, composed of delegates elected by their fellow citizens, provides a forum for an intelligent discussion, profound study and dispassionate debate on the proposed remedies to perceived charter defects.

Proposing constitutional changes must be deliberated in style, which is absent in the mass production of signatures for the people's initiative, and objective in nature, which is not expected from a constituent assembly which may be tempted to craft charter along its desires.

Our past three constitutions have been written the "deliberative assembly" way. There is no compelling reason to divert from this proven track. And there is the opportunity in the next three hundred sixty five (365) days to review the charter, with the least cost to the public and the smallest fissure in our already fractious society.

The ConCon proposed herein is composed of two hundred four (204) delegates, to be elected by congressional district and whose qualifications are the same members of the House of Representatives.

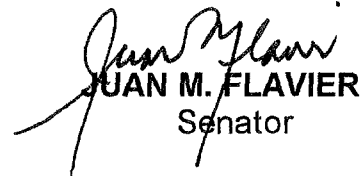
The election shall be conducted in way which would allow both the candidate and the government to incur the least

expense. A candidate must disclose his business interests the moment he files his candidacy. A One hundred fifty (150) essay on the proposed constitutional reforms he plans to advocate if elected shall be posted inside voting booths to guide the voters.

Political parties are banned from joining or influencing the exercise, and so are public officials. Delegates shall be granted parliamentary immunity.


The ConCon, whose members shall be, paid five hundred pesos (P500.00) per diem for every session or committee meetings attended, is allowed one hundred twenty (120) session days, to submit its work to the President, who shall then schedule a plebiscite sixty (60) to ninety (90) days after the submission. A majority of the votes cast in the plebiscite signals the ratification of the proposed amendments or revisions.

The early approval of this bill is requested.


JUAN M. FLAVIER
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

04 JUN 30 12:19

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S E N A T E

S. NO.

Introduce by Senator Flavier

**AN ACT
CALLING FOR A CONSTITUTIONAL CONVENTION TO STUDY
AND APPROVE PROPOSED AMENDMENTS TO, OR
REVISIONS OF, THE 1987 CONSTITUTION, PROVIDING FOR
PROPORTIONAL REPRESENTATION THEREIN AND
OTHER DETAILS RELATING TO THE HOLDING OF
THE CONVENTION, SETTING THE DATE OF ELECTION
OF DELEGATES, APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of
the Philippines Congress assembled:*

SECTION 1. Title- this law shall be known and cited as "The
Constitutional Convention Act".

SEC. 2. Composition. - The Constitutional Convention shall
be composed of two hundred four (204) delegates, each of whom
shall be elected by legislative district.

SEC. 3. Qualification. - Delegates shall have the same
qualifications, as those required of Members of the House of
Representatives.

SEC. 4. Disqualification. – The following are disqualified from being delegates of the convention:

- 1) Any public officials unless he resigns his office upon his filing of his certificate of candidacy; or
- 2) Any person convicted of a crime involving moral turpitude, unless granted absolute pardon or amnesty.

SEC.5. Election of Delegates. –The election of delegates to the Convention by the qualified electors of each district shall be held on the second Monday of May 2005. The Commission on Elections shall promulgate such rules and regulations as may be necessary for the conduct of such election, taking into consideration the need to reduce the minimum expenses on the part of the candidate and of the government, and the non-partisan nature of the Convention.

SEC. 6. Ban on Political Parties.- all political parties, or a coalition or alliance of such, their officers and members are prohibited from nominating, fielding, endorsing, supporting, directly or indirectly, material or otherwise, or campaigning for or against any candidate. No candidate shall represent or allow himself to be represented as being a candidate of any political

party or any political coalition or group in which a political party is a member or a convenor thereof.

SEC. 7. Declaration of Intent and Disclosure of Assets and Liabilities. – In addition to documentary requirements that the Commission on Elections may require of a candidate during the filing of his certificate of candidacy, the candidate shall also submit:

- 1) A concise statement, not exceeding one hundred and fifty words, of the principal constitutional reforms, programs or policies he proposes to advocate if elected; and,
- 2) A sworn statement of assets and liabilities, financial and business interest, including those of his spouse and children, and other relatives within the fourth (4th) degree of consanguinity of affinity.

A copy of each statement shall be conspicuously posted in each polling place in the district.

SEC. 8. Oath of Affirmation. – Delegates to the Convention shall qualify and assume office by taking the following oath or affirmation:

“ I solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as delegate to the 2005

Constitutional Convention by drafting proposed amendments to, or revision of, the fundamental law which are truly reflective of the ideas and aspirations of the Filipino people, endeavor to complete the work within the period provided by law, not to run for any office in the first local and the first national elections to be held after the ratification of the amendments that the convention will propose; and I will preserve and defend the Constitution of the Republic. So help me God." (in case of affirmation, last sentence shall be omitted.)

SEC. 9. Future Disqualification. – Any person elected and qualified as delegate to the Convention shall not be eligible to run for the office in the first local and first national elections to be held after the ratification of proposed amendments to the 1987 Constitution; or appointed to any government office or position while the convention is in session and during the period of one (1) year after its final adjournment.

SEC. 10. Who May Convene. –

(1) The chairman of the Commission on Elections, assisted by the Secretaries General of Senate and the House of Representatives, shall take charge of all arrangements for the convening of the Constitutional Convention;

(2) The opening session of the convention shall be held in the session hall of the House of Representatives on June 30, 2005 at 10:00 o'clock in the morning;

(3) The President of the Senate and the Speaker of the House of Representatives shall jointly preside at its opening session until a presiding officer is elected by the Convention from the delegates. The election of a chairman and presiding officer from among the delegates shall be the first order of business. The Convention shall be deemed organized upon the election and qualification of a chairman and presiding officer. The Convention shall choose such other officers, as it may deem necessary.

SEC. 11. Rules and Quorum. –

(1) A majority of all delegates shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent delegates in such manner and under such penalties as the convention may provide.

(2) The Convention may determine the rules of its proceedings, punish delegates for disorderly behavior, and with the concurrence of two-thirds of all delegates suspend or expel a delegate. A penalty of suspension shall not exceed sixty (60) days.

- (3) The plenary sessions of the Convention, including the meetings of its committee, shall be public and duly recorded. It may hold its session in any place in the Philippines.
- (4) The Convention shall conduct public hearings to ensure that the Filipino people will have adequate and sustained participation in the formulation of proposed amendments to the Constitution.
- (5) Delegates shall enjoy franking privileges for official mail. The public shall be given a fifty- percent (50%) discount in the regular mail postage should they write to their delegates.
- (6) The Convention shall keep a Journal of its proceedings and from time to time publish the same. The public shall have full access to the records of proceedings of the Convention.

SEC. 12. Approval of Proposal Constitutional Amendments or Revisions. – The final approval of any proposed amendments to, or revision, the Constitution shall require a majority vote of all the delegates to the Convention.

SEC. 13. Administrative and Technical Assistance. – All government entities, agencies and instrumentalities, including the

Senate and the House of Representatives, shall place at the disposal of the convention such personnel, premises, supplies and furniture thereof which can, in their judgment, be spared without detriment to the public services, without the cost, refund or additional pay.

SEC. 14. Parliamentary Immunities. – Laws relative to parliamentary immunity of Members of Congress shall be applicable to the delegates of the convention.

SEC. 15. Compensation. –

- (1) Each member shall receive a per diem of five hundred pesos (P500.00) for every day attendance in the plenary session of the Convention or any of the meetings of its committees or sub committees and to necessary. Traveling expenses to and from his residence when attending the session of the Convention or of its Committees.
- (2) The Convention may determine the amount for the office and staff expenses of its members, subject to pertinent government personnel compensation and audit laws.

SEC. 16. Completion. – The Convention shall complete its work in one hundred twenty (120) session days, and there after present to the President the proposed amendments to, or revisions of, the Constitution.

SEC. 17. Ratification. – The President shall fix the date of the plebiscite for the ratification or rejection of the proposed amendments to, or revisions of, the Constitution which be held no earlier than sixty (60) days no later than ninety (90) days following its submission to the president.

The proposed amendments to, revisions of, the Constitution shall become valid and active upon ratification by a majority of the votes cast in such plebiscite.

SEC. 18. Funding. – The sum of one hundred million pesos (P100, 000,000.00), which shall be taken from the Contingency Fund in the General Appropriation Act for Fiscal year 2004 is hereby set aside and made available for operations of the Convention.

SEC. 19. Approval. – This Act shall take effect 15 days after its publication in a newspaper of general circulation.

Approved,